

1 THE HONORABLE JAMES L. ROBART
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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 HDT BIO CORP.,

Case No. 2:22-CV-00334-JLR

11 Plaintiff,

PLAINTIFF HDT BIO CORP.'S MOTION
12 v.
13 FOR ATTORNEYS' FEES AND COSTS

EMCURE PHARMACEUTICALS, LTD.,

NOTE ON MOTION CALENDAR:
December 9, 2022

Defendant.

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15 Pursuant to the Court's November 9, 2022 Order inviting this application, Dkt. No. 87, at 37-
16 38, Plaintiff HDT Bio Corp. ("Plaintiff") hereby seeks 60% of its attorneys' fees associated with its
17 successful motion to compel discovery, and respectfully requests that the Court award in the total
18 amount of \$72,850.50.

19 **BACKGROUND**

20 Plaintiff filed this case against Defendant Emcure Pharmaceuticals, Ltd. ("Defendant") on
21 March 21, 2022. Dkt. No. 1. The action presents a range of complex issues, both factual and legal,
22 and involves significant alleged harm. *Id.* (seeking, among other relief, compensatory damages in
23 excess of \$950,000,000).

24 On May 13, 2022, Defendant moved to dismiss on jurisdictional grounds. Dkt. No. 23. On
25 July 29, 2022, the Court denied Defendant's motion, holding that "it is in the parties and court's
26 interest to conduct jurisdictional discovery before the court resolves Emcure's motion to dismiss" and
27 set a November 3, 2022 deadline for the completion of jurisdictional discovery. Dkt. No. 51, at 23.

1 On August 13, 2022, the Court clarified the scope of discovery, ordering, *inter alia*, that Defendant
 2 “search for and produce documents in the possession of its subsidiary, Gennova.” Dkt. No. 53, at 2.

3 When Defendant failed to produce documents in accordance with the Court’s order, Plaintiff
 4 was forced to issue third-party subpoenas to various U.S. suppliers and ultimately to move to compel
 5 discovery. Dkt. Nos. 59 & 60. In response, Defendant filed two of its own discovery motions. Dkt.
 6 Nos. 63 & 65.

7 Following a hearing, the Court denied Defendant’s motions and granted Plaintiff’s in part.
 8 Dkt. No. 87. In awarding Plaintiff relief, the Court “invited HDT to file a request for payment of 60%
 9 of its expenses associated with the instant motion to compel.” *Id.* at 37-38.

10 **RELIEF REQUESTED**

11 Plaintiff seeks fees in the total amount of \$72,850.50. In accordance with the Court’s Order,
 12 this amount represents 60% of the work Plaintiff’s counsel, Stris & Maher LLP and Stokes Lawrence,
 13 P.S. devoted to the successful motion to compel discovery. This request does not seek to recover for
 14 work performed on opposing Defendant’s motions for protective order, despite the substantial overlap
 15 between the three motions. Further, Plaintiff seeks only to recover for work performed by the four
 16 primary Stris & Maher attorneys and three Stokes Lawrence attorneys working on the motion to
 17 compel. Plaintiff’s figures do not include work performed by other Stris & Maher attorneys (who
 18 provided strategic input) or non-attorney staff (who collectively spent over 50 hours compiling the
 19 evidentiary record and finalizing and filing the papers).

20 Setting aside the time for which Plaintiff does not seek an award, Plaintiff devoted a total of
 21 182.9 hours to the motion to compel at hourly rates ranging from \$350 to \$800. A summary table
 22 follows.

1	Biller	Hours	Rate	Amount
2	Dana Berkowitz	86.3	\$750	\$64,725.00
3	Kenneth J. Halpern	12.3	\$800	\$9,840.00
4	John Stokes	14.5	\$575	\$8,337.50
5	Lauren Martin	37.3	\$575	\$21,447.50
6	Mat Harrington	24.4	\$575	\$14,030.00
7	Justo González	.9	\$575	\$517.50
8	Arianah Musser	7.2	\$350	\$2,520.00
9	Total	182.9		\$121,417.50

10 ARGUMENT

11 The lodestar method is used to calculate “reasonable attorneys’ fees” for the purpose of
 12 awarding attorneys’ fees in a dispute. *Bowers v. Transamerica Title Ins. Co.*, 100 Wn.2d 581, 593-94,
 13 675 P.2d 193 (1983). The lodestar method is “determined by multiplying a reasonable hourly rate by
 14 the number of hours reasonably expended on the lawsuit.” *Id.* at 593. “There is a strong presumption
 15 that the lodestar figure represents a reasonable fee.” *Hochberg v. Lincare, Inc.*, No. CV-07-0031-EFS,
 16 2008 WL 11342787, at *2 (E.D. Wash. July 21, 2008).

17 For the following reasons, Plaintiff’s rates and hours expended on the motion to compel are
 18 reasonable.

19 I. Plaintiff’s Rates Are Reasonable.

20 The fees requested herein are based on standard hourly billing rates that are routinely paid by
 21 the firms’ hourly billing clients. These rates are comparable to the rates of other counsel representing
 22 clients in complex litigation involving large sums of money. *See* Berkowitz Decl. ¶¶ 2-6, 8;
 23 Harrington Decl. ¶¶ 3-7, 9. And they are well below other hourly rates seen by this Court: “The court
 24 notes that fee awards with hourly rates exceeding \$1,000 have been approved by courts in this district

1 on numerous occasions.” *Brazile v. Comm’r of Soc. Sec.*, No. C18-5914JLR, 2022 WL 503779, at *3
2 (W.D. Wash. Feb. 18, 2022).

3 **II. Plaintiff’s Time Devoted to the Successful Motion Was Reasonable.**

4 Plaintiff’s counsel seeks an award based on the expenditure of seven attorney hours on the
5 successful motion to compel discovery. This amount of time was necessary given the complexity of
6 the issues and work required to prepare the motion, evaluate Defendant’s response, prepare a reply,
7 and prepare for and attend the hearing. Berkowitz Decl. ¶ 8; Harrington Decl. ¶ 9.

8 **CONCLUSION**

9 The Court should award fees in the total amount of \$72,850.50, representing 60% of
10 Plaintiff’s expenses devoted to the successful motion to compel.

12 DATED this 23rd day of November, 2022

13 STOKES LAWRENCE, P.S.

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27 *Attorneys for Plaintiff HDT Bio Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2022, I caused the foregoing *Plaintiff HDT Bio Corp.'s Motion for Attorneys' Fees and Costs* to be:

electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Madelyne Garcia

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